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**OFFICE OF PETITIONS**

In re Application of :  
Charles A. Welsh :  
Application No. 10/608,245 : DECISION ON PETITION  
Filed: June 27, 2003 : UNDER 37 C.F.R. §1.53(e)  
Attorney Docket No. WLH-10-5743 :  
Title: HUB AND METHOD FOR :  
STORAGE OF A SPIGOT CAP :

This is a decision on the "petition to retain original filing date under 37 C.F.R. §1.181," filed October 14, 2003, which is properly treated as a petition under 37 C.F.R. §1.53(e), requesting the application, including page seven (7) of the specification be accorded a filing date of June 27, 2003 as part of the original disclosure.

The application was deposited on June 27, 2003. However, on September 23, 2003, the Office of Initial Patent Examination (OIPE) mailed a "Notice of Omitted Item(s) in a Nonprovisional Application - Filing Date Granted" (Notice), stating that the application had been accorded a filing date of June 27, 2003 and advising applicant that page seven (7) of the specification appeared to have been omitted.

In response, on October 14, 2003, applicants filed the present petition. The petition is further accompanied by an authorization to charge the petition fee to Petitioner's Deposit Account, a copy of the specification, and a copy of applicants' postcard receipt acknowledging receipt of "Spec: 7 pages + transmittal (in duplicate)" in the United States Patent and Trademark Office (Office) on June 27, 2003. Applicants request that the application, including page seven (7) of the specification be accorded a filing date June 27, 2003.

Upon review of the record, the above-mentioned page of the specification has not been located among the application papers. However, the evidence is convincing that the application papers deposited on June 27, 2003 included page seven (7) of the specification, and this page of the specification was subsequently misplaced in the Office.

Therefore, the application, including page seven (7) of the specification, was complete on filing and entitled to a filing date of June 27, 2003, as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed September 23, 2003, was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the petition fee of \$130 has not been charged to Petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of June 27, 2003, using the original application papers filed on that date, as well as page seven (7) of the specification, submitted with the instant petition.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0011.



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Office of Petitions  
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